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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,379	06/26/2003	Alrick Lockhart Smith	CYBERSTOR	4730
7590 08/23/2006			EXAMINER	
James C. Wray Suite 300 1493 Chain Bridge Road McLean, VA 22101			JOHNSON, CARLTON	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,379	<b>Applicant(s)</b> SMITH, ALRICK LOCKHART	
	<b>Examiner</b> Carlton Johnson	<b>Art Unit</b> 2192	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9-9-2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responding to application papers filed **4-21-2003**.
2. Claims **1 - 8** are pending. Claims **1, 5, 8** are independent.

#### ***Claim Issues - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim **4, 7** are rejected under 35 U.S.C. 112, second paragraph, 37 CFR 1.75(a), as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. (See MPEP § 2173.05(d))

Regarding claims **4 and 7**, that utilizes the phrase "such as", which renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. The Examiner is interpreting this claim as if the phrase "*such as*" is "*selected from the group consisting of*" in the claim language. Appropriate action is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Margolus et al.** (US Patent No. 20020038296).

**With Regarding Claim 1**, Margolus discloses a method of storing data for an electronic processing device comprising:

- a) establishing a data communication link between the electronic processing device and a remote data storage device, (see Margolus paragraph [0010], lines 1-14: network connections or communication links between electronic device(s) and storage device(s))
- b) transferring the data to the remote data storage device, (see Margolus paragraph [0011], lines 9-11: after encryption transmit data from electronic device to storage device) and
- c) deleting the data transmitted to remote data storage device from the electronic processing device. (see Margolus paragraph [0054], lines 17-19: deletion of data transmitted to storage device)

**Regarding Claim 2**, Margolus discloses the method of storing data in claim 1 further comprising encrypting the data on the electronic processing device, wherein the data is

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transmitted to the remote data storage device in encrypted form. (see Margolus paragraph [0011], lines 9-11; paragraph [0013], lines 55-57; paragraph [0048], lines 3-5: data encrypted before transmission, therefore encrypted within electronic device)

**Regarding Claim 3**, Margolus discloses the method of storing data in claim 1 wherein the electronic processing device is a portable computer and the communication link that is established is at least partially a wireless data communication link. (see Margolus paragraph [0054], lines 22-24: portable computer, personal digital assistant; paragraph [0029], lines 26-27: wireless communication utilized)

**Regarding Claim 4**, Margolus discloses the method in claim 3 wherein the data communication link is established via a computer network, such as a local area network, a wide area network or the Internet. (see Margolus paragraph [0045], lines 1-3: Internet communications network)

**Regarding Claim 5**, Margolus discloses a system for storing data for an electronic processing device, the system comprising:

- a) a remote data storage device, (see Margolus paragraph [0010], lines 1-4: network connected or remote storage device(s))
- b) transmission means to transmit data from the electronic processing device to the remote data storage device, (see Margolus paragraph [0011], lines 9-11: after encryption transmit data from electronic device to storage device) and

- c) deletion means to delete the data transmitted to the remote data storage device from the electronic processing device. (see Margolus paragraph [0054], lines 17-19: deletion of data transmitted to storage device)

**Regarding Claim 6**, Margolus discloses the system for storing data in claim 5 further comprising encryption means to encrypt the data on the electronic processing device, arranged such that the data transmitted to the remote data storage device is encrypted data. (see Margolus paragraph [0011], lines 9-11; paragraph [0013], lines 55-57; paragraph [0048], lines 3-5: data encrypted before transmission, encrypted within electronic device)

**Regarding Claim 7**, Margolus discloses the system for storing data in claim 5 wherein the electronic processing device is a portable computer, such as a laptop, notebook or hand-held computer. (see Margolus paragraph [0054], lines 22-24: portable computer or personal digital assistant (i.e. PDA))

**Regarding Claim 8**, Margolus discloses a method of storing data for an electronic processing device comprising:

- a) encrypting data in the electronic processing device, (see Margolus paragraph [0011], lines 9-11; paragraph [0013], lines 55-57; paragraph [0048], lines 3-5: data encrypted before transmission, encrypted within electronic device)

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- b) establishing a wireless data communication link between the electronic processing device and a secure remote data storage device, (see Margolus paragraph [0029], lines 26-27: wireless communication utilized; paragraph [0010], lines 1-14: network connections or communication links between electronic device(s) and data storage(s))
- c) transferring the encrypted data to the remote data storage device, (see Margolus paragraph [0011], lines 9-11: after encryption transmit data from electronic device to storage device) and
- d) deleting the data transmitted to the secure remote data storage device. (see Margolus paragraph [0054], lines 17-19: deletion of data transmitted to storage device)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton Johnson whose telephone number is 571-270-1032. The examiner can normally be reached Monday through Friday from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson, can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

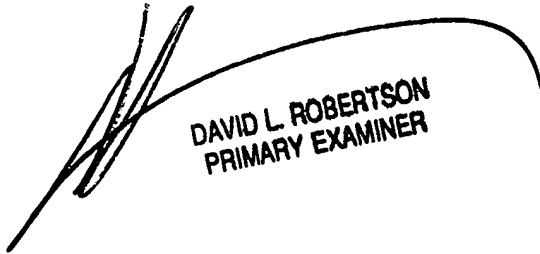
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Carlton Johnson  
August 17, 2006

  
DAVID L. ROBERTSON  
PRIMARY EXAMINER